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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,997	09/17/2003	Soon Jo Lee	9988.058.00-US	1982
30827	7590	10/28/2005		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT 3749	PAPER NUMBER
DATE MAILED: 10/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/663.997

**Applicant(s)**

LEE ET AL.

**Examiner**

**Stephen Gravini**

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8-3-05.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable Robineau (US 6,195,910) in view of Gerhardt (US 2,966,051). Robineau is considered to disclose the claimed invention comprising:

- a base **24** forming a floor of a body;

- a front cabinet **18** forming a front portion of the body;

- a side cabinet **26** forming a side portion of the body;

- a back cover **20** forming a back portion of the body;

- a control panel **28** having a hook (please see column 10 lines 12-15 for the express teaching of the panel having a hook);

- a top cover **22** forming a top of the body, and wherein the control panel is provided on a rear portion of the top cover, the top cover comprising a groove provided at rear portion of the top cover wherein the hook is disposed in a surface of the control panel opposite the top cover such that the hook inserts into the groove (please see column 10 lines 12-15 again wherein the disclosed loop is considered to inherently anticipate the claimed groove because both a loop and a groove are used to dispose a hook in a control panel surface opposite a top cover); and

- a fire wall **34** made of metal, and provided at a lower portion of the top cover (wherein the firewall definition is reasonably construed under the broadest meaning consistent with the specification since the non-patent literature cited in

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this action shows that is well known the metal back of dryers act as firewalls, thereby inherently anticipating the claimed invention). Robineau is also considered to disclose the firewall having the same predetermined curvature because the figures show that the firewall and groove have a predetermined curvature which is the same. Robineau is considered to disclose the claimed invention, except for the claimed top cover having a predetermined curvature. Gerhardt, another clothes device, is considered to disclose a top cover having a predetermined curvature in figure 4 and columns 2-3. It would have been obvious to one skilled in the art to combine the teachings of Robineau with the top cover having a predetermined curvature, considered disclosed in Gerhardt, for the purpose of presenting a relatively smooth surface to define a throat through which clothes may be introduced into a water extraction basket without the danger of fingers being injured or caught between adjacent operating parts.

Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerhardt (US 2,966,051). Gerhardt is considered to disclose the claimed invention comprising:

- a body **A**;

- a top cover **11** covering the body, the top cover including:

- a groove **30** which runs along a width of the top cover wherein the groove directs fluid on the top cover toward an exterior of the laundry dryer (please see columns 2-5 wherein the disclosed water passage to the exterior is considered to anticipate the claimed groove fluid direction because both remove water toward an exterior of the drying apparatus);

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at least one hole **35** disposed in the groove;

a control panel **15** including a hook disposed at a surface of the control panel opposite the top cover wherein the hook is configured for insertion into the groove (please see figure 4 and columns 2-5, especially column 3 wherein the disclosed peripheral flange **30** serves as the claimed hook because of its hooked shape and illustrated at a lower level of the control panel under the top cover and adjacent the disclosed opening **17** and furthermore the illustrated and disclosed shape meets the claimed limitation of being configured for insertion into the groove because the shape and function show that it may be configured for that purpose). Gerhardt is also considered to disclose the claimed top cover curvature in figure 4 and firewall curvature directing fluid leakage to a lower body portion wherein the firewall is given its reasonable and broadest meaning in light of the specification as merely a lower part of the top cover as shown in figure 4 and discussed in columns 2-5.

### ***Double Patenting***

Claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-25 of copending Application No. 10/629,775. Although the conflicting claims are not identical, they are not patentably distinct from each other because the presently claimed firewall is considered to be an obvious variation to the copending claimed fire plate.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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### ***Conclusion***

Based on the pre-appeal conference, it was suggested to more clearly discuss the prior art in light of the claimed invention. Applicants are invited to thoroughly read the prior art to gain an understanding so the claimed invention may be broadly construed under current Office practice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG  
October 25, 2005

